

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU

&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WA.No. 2048 of 2007

AGAINST THE JUDGEMENT IN OP.NO.19351/2001 Dated 15/01/2007

APPELLANT: PETITIONER:

GREEN ACRES AMUSEMENTS (P) LIMITED,
SAROJI ESTATE, MANANTHAVADY REPRESENTED BY
MANAGING PARTNER, HABEEB MOHAMMED,
S/O. GULAM MOHAMMED, R 10-63-1219/1/2,
UMA NAGAR, BEEGAMPET, HYDERABAD.

BY ADV. SRI.M.C.JOHN

RESPONDENTS: RESPONDENTS 1 TO 3:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
F & WLD, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE CONSERVATOR AND
CUSTODIAN OF VESTED FORESTS, OLAVAKODE CIRCLE,
OLAVAKODE, PALAKKAD DISTRICT.
3. THE DIVISIONAL FOREST OFFICER,
MANANTHAVADY, WAYANAD DISTRICT.

BY SPL.GOVERNMENT PLEADER (FOREST) SRI.RENJIT THAMPAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 2048 OF 2007 E

Dated this the 10th September, 2007

JUDGMENT

H.L.DATTU, C.J.

Ext.P1 notification published under Rule 2A of the Kerala Private Forests (Vesting and Assignment) Rules, 1974, is questioned by the appellant/petitioner in O.P.No.19351 of 2001.

2. Learned single Judge has disposed of the Original Petition only on the ground that the petitioner, being aggrieved by Ext.P1 notification, has already filed an application as envisaged under Section 8 of the Kerala Private Forests (Vesting and Assignment) Act, 1971 and the said application is pending consideration.

3. Learned single Judge is of the opinion that parallel proceedings are impermissible in law. The view taken by the learned single Judge, in our opinion, is correct.

4. If the petitioner's application is pending, it is for the petitioner to request the Forest Tribunal, before whom the application is pending, to decide that application as directed by this Court in accordance with law, as expeditiously as possible. This is the view of the learned single Judge. In our opinion, this finding and conclusion reached by the learned single Judge will never be characterized as arbitrary, illegal or erroneous. Therefore, interference of the said order is not called for.

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The Writ Appeal, therefore, requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

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